

Amdt. dated February 24, 2004
Reply to Advisory Action of Feb. 4, 2004

Serial No. 09/409,617
Docket No. TUC919990029US1
Firm No. 0018.0056

REMARKS/ARGUMENTS

The Examiner rejected claims 1, 3, 4, 7-12, 14-16, 18-27, 29, 30, and 33-40 as anticipated (35 U.S.C. §102) by Ross (U.S. Patent No. 5,182,77). Applicants traverse for the following reasons.

In the Advisory Action, with respect to claims 1, 16, and 27, the Examiner stated that Applicants arguments concerning "receiving an encrypted response from the second computer system" is not a limitation of the claims. Applicants traverse because claims 1, 16, and 27 specifically recite the limitation of "receiving an decrypted response from the second computer system". Applicants submit that this claimed limitation distinguishes over the cited art for the reasons discussed on pages 2-3 of the Response to Final Office Action dated January 26, 2004 ("Response to Final").

The Examiner also found with respect to claims 1, 16, and 27 that Applicants arguments as to why the cited Ross does not disclose that the computer to receive the software send a message and then the computer providing access to the software send an encrypted message and then also receive a response to such encrypted message are not persuasive because they are not limitations of claims 1, 16, and 27. Applicants traverse because claims 1, 16, and 27 specifically recite the argued limitations that the computer to receive the software send a message in the limitation "receiving an encrypted response from the second computer system" because the encrypted response comprises a message from the second computer system, which accesses receives/accesses the software. Claims 1, 16, and 27 also specifically recite the argued limitation that the computer providing access to the software send an encrypted message because these claims expressly recite "transmitting the encrypted message to the second computer system". Claims 1, 16, and 27 also recite the argued limitation that the computer providing access receive a response to such encrypted message because these claims expressly recite "receiving an encrypted message to the second computer system".

The operations of claims 1, 16, and 27 concern the operations performed by the system providing access to the software because they describe operations for "distributing computer software from a first system", where the first system performing the operations provides the access to the software to the second system.

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Accordingly, the Examiner was wrong to find that certain argued limitations of the independent claims were not claimed. Applicants request that the Examiner reconsider the rejection in view of the fact that all the limitations argued are in fact claimed and distinguish over the cited art for the reasons discussed on pages 2-3 of the Response to Final.

With respect to claims 4, 19, and 30, the Examiner stated that Applicants arguments concerning the "system on which the license is to be activated send a random component that is used to determine whether the installer or enablement process may have the enabler key" is not a limitation of the claims.

Applicants traverse this finding because Applicants never argued that claims 4, 19, and 30 distinguish over the cited Ross because they include an installer or enablement process. Instead, Applicants noted these features in the cited Ross and then went on to point out why these cited features of Ross do not teach or suggest the claim requirements.

For instance, on page 4 of the Response to Final, the Applicants noted that the cited col. 7 of Ross discusses the above discussed enablement process where the installer transmits the product name, serial number, and number of connections to a fulfillment agent, which uses this information to obtain an enabler key to return to the installer. The enabler key is then used by the enablement process to activate the license.

The Applicants then went on to point out that the cited col. 7 nowhere discloses the claim requirement that a random component is included in the encrypted message sent to the second computer system on which the software is installed, and that the system granting access determine whether a response from the second computer on which the software is to be installed includes the random component. Instead, the cited col. 7 mentions that the installer sends product name, serial number and number of connections information to the fulfillment agent to gain the enabler key to activate the license. Nowhere does the cited col. 7 anywhere disclose that the installer or system on which the license is to be activated send a random component that is used to determine whether the installer or enablement process may have the enabler key to activate the software.

Thus, the Examiner was incorrect in the Advisory Action to state that Applicants argued limitations not found in claims 4, 19, and 30. Instead, Applicants pointed out how the cited Ross, including Ross' described enablement process and enabler key to activate the software, did

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not teach or suggest the claim requirement that a random component is included in the encrypted message sent to the second computer system on which the software is installed, and that the system granting access determine whether a response from the second computer on which the software is to be installed includes the random component.

For these reasons, Applicants request that the Examiner reconsider the rejection with respect to claims 4, 19, and 30 in view of the above arguments.

Applicants submit that all claims are patentable over the cited art and in condition for allowance for the reasons discussed above and in the Response to Final.

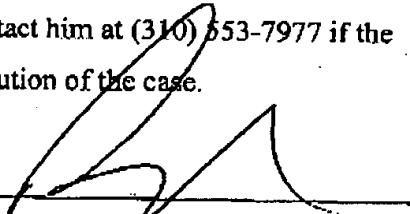
Conclusion

For all the above reasons, Applicant submits that the pending claims 1-40 are patentable over the art of record. Applicants have not added any claims. Nonetheless, should any additional fees be required, please charge Deposit Account No. 09-0466.

The attorney of record invites the Examiner to contact him at (310) 553-7977 if the Examiner believes such contact would advance the prosecution of the case.

Dated: February 24, 2004

By: _____


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